

REPEALING MCA 81-2-120: GETTING THE DEPARTMENT OF LIVESTOCK OUT OF MANAGING MONTANA'S WILD BUFFALO

Repealing 81-2-120 and re-instating The Department of Fish, Wildlife, and Parks' jurisdiction for wild or migratory buffalo in Montana is a common sense proposal Montanans can and should support.

In 1995, the Montana Legislature created a new statute, MCA 81-2-120, transferring Fish, Wildlife, & Parks authority to manage wild buffalo to the Department of Livestock. ¹

Under Department of Livestock policies set down by MCA 81-2-120, the federal and Montana state governments have taken nearly 4,000 wild buffalo in capture for slaughter operations. ²

Wild buffalo remain culturally and spiritually significant to American Indian tribes in Montana and surrounding states. ³ As implemented by the Department of Livestock, MCA 81-2-120 severely limits the abundance and distribution of wild buffalo to less than 0.3% of Montana's habitat, directly limiting tribal treaty rights to hunt buffalo on open and unclaimed lands, and severing a direct cultural link to a revered species, wild buffalo. ^{3,4}

Montana state hunters cannot hunt wild buffalo without Department of Livestock approval. ¹ In the last ten years, of 82,832 applicants, 426 hunters drew wild buffalo tags. ⁵

Private landowners living in Yellowstone National Park gateway communities who support the presence of wild buffalo continue to be placed in conflict with livestock inspectors who trespass on their properties to remove buffalo, a native, migratory species. ⁶

Domestic cattle operations near Yellowstone National Park have dwindled to a handful, further eroding the justification for Department of Livestock's zero tolerance policy for a wild buffalo population in Montana. ⁷ There is no demonstrable disease risk on habitat where there is no susceptible cattle host, yet all wild buffalo in Montana are forcibly removed during and after calving season. ⁸

Since 2000, the U.S. Department of Agriculture Animal and Plant Health Inspection Service has provided over \$9,000,000 American taxpayer dollars for the Department of Livestock to carry out MCA 81-2-120 without legislative oversight or fiscal accountability to taxpayers. ⁹

MCA 81-2-120 has no provision to conserve wild buffalo and the statute is based entirely on taking the wildlife species by hazing or harassing buffalo from habitat, capturing buffalo in pens for shipment to slaughterhouses, hunting buffalo without providing habitat to support a viable population, quarantining or domesticating wild buffalo, and agency shootings. ¹

Two Montana state courts have ruled there is no statutory or mandatory duty or legal precedent for the state of Montana to arbitrarily remove all migratory buffalo from the state and preventing the wild species from establishing a year-round population. ¹⁰

The Supreme Court of Montana has found that Montana's Constitution and laws mandate "special considerations" to assure the persistence of native wildlife species for future generations. ¹¹

Biologists have found the status of wild buffalo in Montana in "greatest conservation need" and "at risk because of very limited and/or potentially declining population numbers, range and/or habitat, making it vulnerable to global extinction or extirpation in the state." ¹²

As long as 81-2-120 remains on the books, the Department of Livestock will continue to be in the business of managing the costly demise of Montana's last and only population of migratory buffalo to roam our expansive state.



Buffalo Field Campaign is a non-profit public interest organization founded in 1997 to protect the natural habitat of wild migratory buffalo and native wildlife, to stop the slaughter and harassment of America's last wild buffalo as well as to advocate for their lasting protection, and to work with people of all Nations to honor the sacredness of the wild buffalo.

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Sources

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